

**REMARKS**

Claims 1-20 are all of the pending claims, with claims 1 and 17 being written in independent form.

**I. Claim Objections:**

The Examiner objects to claim 1 because line 6 recites the objectionable term "disconnects." Applicants respectfully request clarification because line 6 of claim 1 does not recite the objectionable term. In fact, the objectionable term is not present in any portion of claim 1.

**II. Claim Rejection Under 35 U.S.C. §112(2<sup>nd</sup>):**

The Examiner rejects claim 1 under 35 U.S.C. §112(2<sup>nd</sup>) because the last wherein clause is unclear. To address the Examiner's concerns, Applicants rewrite the objectionable feature to indicate that the moving contact element is adapted to move from the bridging position to the disconnected position and is adapted to be blocked in the disconnected position. An example embodiment of this feature is discussed in section IV below.

Applicants respectfully submit that amended claim 1 more particularly points out and distinctly claims the subject matter regarded as the invention, thereby overcoming the raised rejection under 35 U.S.C. §112(2<sup>nd</sup>).

**II. Allowable Subject Matter:**

The Examiner indicates that claims 3 and 10 would be allowable if they were rewritten in independent form and to overcome the raised §112(2<sup>nd</sup>) rejection. Applicants do not, however, rewrite these claims because independent claim 1 is believed to be patentable for the reasons discussed in detail below.

### **III. Claim Rejections on Prior Art Grounds:**

The Examiner rejects claims 1-2, 4-7, 11-14 and 17-20 under 35 U.S.C. §103(a) as being obvious over US 5,844,186 to Meriwether ("Meriwether") in view of US 6,559,745 to Yamagata et al. ("Yamagata"). Applicants respectfully traverse this rejection in view of the following remarks.

#### **A. Independent Claim 1:**

Independent claim 1 recites (among other things) that by movement of the actuating element to the safe position, the moving contact element is adapted to move from the bridging position to the disconnected position. An example, non-limiting embodiment of this feature will be appreciated with reference to Figs. 1 and 4.

First, and with reference to Fig. 4, the actuating element 12 may be located at an operating position. Here, the plunger 8 may be switched via the electromagnetic drive apparatus 4 so that the moving contact element 5 connects a pair of stationary contacts 6, 7. (See paragraph [0024]). Next, assume that the actuating element 12 is moved to the safe position, as shown in Fig. 1. Here, the actuating element 12 is retracted upward, together with the moving contact element 5. (See paragraph [0020]). That is, the movement of the actuating element 12 to the safe position may cause the moving contact element 5 to move from the bridging position (assuming the moving contact element is in the bridging position) to the disconnected position. At least this feature (as recited in independent claim 1), in combination with the other features recited in independent claim 1, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner relies upon Meriwether to teach most of the features defined by claim 1, including the claimed actuating element. In so doing, the

Examiner compares Meriwether's stationary plate 32 to the actuating element of the present invention. This rejection position is not convincing for the following reasons.

With reference to Fig. 1 of Meriwether, the disclosed contactor 10 is provided with a mechanical lock-out feature. In particular, a stationary plate 32 is mounted on the housing 24 of the contactor 10, and a sliding plate 38 is movably mounted on the stationary plate 32. The sliding plate 38 includes a stop 50. When the sliding plate 38 is in an upward position, the stop 50 prevents movement of the tab 22 (and thus the armature 16). And when the sliding plate 38 is in a downward position, the movement of the tab 22 (and thus the armature 16) is unobstructed in the actuation direction 20.

Applicants respectfully submit that the stationary plate 32 is not comparable to the claimed actuating element. This is because the stationary plate 32 is not movable between an operating position and a safe position. Indeed, the stationary plate 32 is fixed to the housing 24 via screws 30.

Applicants also respectfully submit that the sliding plate 38 is not comparable to the claimed actuating element. This is because the movement of the sliding plate 38 cannot cause a contact element to move from the bridging position to the disconnected position. In fact, the sliding plate 38 can only be moved to a locked position when the contactor 10 is turned off, so that the tab 22 is moved in a direction that is opposite to the actuation direction 20. Simply put, when the armature 16 is in the coil, the tab 22 prevents the stop 50 (and thus the sliding plate 38) from moving in an upward direction and to a lock-out position.

Certainly then, independent claim 1 recites features that are not taught or suggested by the Meriwether reference. Furthermore, the Yamagata reference is not believed to make up the deficiencies of Meriwether noted above.

**B. Independent Claim 17:**

Independent claim 17 recite (among other things) that by movement of the actuating means to the safe position, the moving contact element is movable from the bridging position to the disconnected position. Accordingly, Applicants believe that independent claim 17 is patentable for reasons somewhat analogous to those noted above with respect to claim 1.

**IV. CONCLUSION:**

In view of the above amendments and remarks, reconsideration and allowance of each of claims 1-20 is earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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